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10/614,740	07/08/2003	John Frank Kralic	201144.00001	6209
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HAHN LOESER & PARKS, LLP			EXAMINER	
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AKRON, OH 44311-1076			ART UNIT	PAPER NUMBER
			3632	
NOTIFICATION DATE	DELIVERY MODE			
12/26/2008	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@hahnlaw.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/614,740	<b>Applicant(s)</b> KRALIC, JOHN FRANK
	<b>Examiner</b> Alfred Joseph Wujciak III	<b>Art Unit</b> 3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 September 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 28-44 and 53-59 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 28-44 and 53-59 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 08 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

### **DETAILED ACTION**

This is the final Office Action for the serial number 10/614,740, UTILITY POLE CROSS-ARM AND ASSOCIATED POLE-TOP HARDWARE, filed on 7/8/03.

#### ***Claim Rejections - 35 USC § 102***

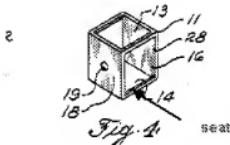
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 28, 36, 38-39, 41, 43-44, 53 and 55-56 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 2,734,859 to Reilly et al.

Reilly et al. teaches a utility pole assembly comprising a utility pole (1), cross arm assembly (12). The cross arm is being metallic cross arm (column 3, line 60) and coated with an electrically insulatory coating (23). The assembly includes a fastening system (10) for fastening the cross-arm to the utility pole. The fastening system includes a seat (see diagram below). The cross arm assembly includes an extension arm (2) which extends upwardly from the cross-arm. The assembly includes electrically insulating medium (7) which is located between the pole and the cross arm. The assembly further includes clamping means (20).



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al. in view of US Patent # 3,803,570 to Barlow et al.

Reilly teaches the insulatory coating but fails to teach the coating having dielectric strength of greater than 10kv/mm. Barlow et al. teaches the coating having dielectric (40). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added dielectric to Reilly's insulatory coating as taught by Barlow et al. to provide additional resistance to electric current.

Reilly in view of Barlow et al. teaches dielectric but fails to teach the strength of dielectric is greater than 10kv/mm. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the strength of dielectric to greater than 10kv/mm to provide regulation on the electric current.

Claims 30, 40, 42, 54 and 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al.

Reilly et al. teaches a utility pole assembly comprising a utility pole (1), cross arm assembly (12). The cross arm is being metallic cross arm (column 3, line 60) and coated with an electrically insulatory coating (23). The assembly includes a fastening system (10) for fastening the cross-arm to the utility pole. The fastening system includes a seat (see diagram below). The cross arm assembly includes an extension arm (2) which extends upwardly from the cross-arm. The assembly includes electrically insulating medium (7) which is located between the pole and the cross arm. The assembly further includes clamping means (20).

Regarding to claim 30, Reilly teaches the cross arm but fails to teach the cross arm is a hollow steel section. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the cross arm with hollow steel section to reduce weight in the cross arm.

Regarding to claim 40, Reilly teaches the seat coated with electrically insulatory coating (column 3, lines 14-18) but fails to teach the seat is formed from a metal section. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified seat with metal to increase strength for supporting cross arm and pole.

Regarding to claim 42, Reilly teaches the extension arm but fails to teach the arm is metallic and coated with electrically insulatory coating. Since Reilly's cross arm and pole are metallic and coated with electrically insulatory coating, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the extension arm with metallic and coated with electrically insulatory coating to reduce the chance of conducting electric current on the assembly.

Regarding to claim 54, Reilly teaches the utility pole is made of metal but fails to teach the pole is made of steel. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified material from metal to steel to increase strength in the pole.

Regarding to claims 57-59, Reilly teaches all elements but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for installing elements together to reduce chance from damaging when securing the cross arm on the post.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al. in view of Japan Patent # 411210271 A to Sagawa et al.

Reilly et al. teaches the coating but fails to teach the coating is a polymeric material. Sagawa et al. teaches the polymeric material. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the Reilly et al.'s coating with polymeric material as taught by Sagawa et al. to provide resistance to corrosion.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al. in view of Sagawa et al. in further view of US Patent Publication # 2004/0035602 to White.

Reilly et al. teaches the coating but fails to teach the coating is applied by electrolytic powder coating process using a powder of the polymeric material. White teaches polyurethane powder for housing section (104, section 0025). It would have been obvious for one of ordinary

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skill in the art at the time the invention was made to have modified coating with powder of polymeric material to reduce corrosion on the cross arm.

Claims 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly et al. in view of Sagawa et al. in further view of US Patent # 6,146,576 to Blackmore.

Reilly et al. teaches the coating but fails to teach the coating includes nylon/thermoplastic or epoxy. Blackmore teaches the coating (16) comprising nylon/thermoplastic and epoxy (column 11, line 32). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Reilly et al.'s coating with nylon/thermoplastic or epoxy as taught by Blackmore to provide resistance to corrosion.

***Response to Amendment***

The affidavit under 37 CFR 1.132 filed on 9/12/08 is insufficient to overcome the rejection of claims 28-44 and 53-59 based upon overcoming Reilly's invention as set forth in the last Office action because: see argument below.

***Response to Arguments***

Applicant's arguments filed 9/12/08 have been fully considered but they are not persuasive.

The applicant argues "Reilly et al. does not expressly or inherently describe a cross-arm 'operable transverse the utility pole as horizontal support for aerial conductors in an electrical

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distribution system””. The examiner disagrees with the applicant since Reilly et al.’s invention is designed to supporting electrical distribution system, it has the ability of supporting aerial conductors on the cross arm which is mounted on the pole.

The applicant states “the ‘859 patent does not expressly or inherently describe ‘an electrically insulatory coating capable of insulating the cross-arm from the electrical distribution system’”. The examiner disagrees with the applicant because Reilly et al. teaches electrically insulatory coating (7, 23, column 3, lines 62-64) mounted on the arm and pole. The reason for adding electrically insulatory coating to the arm to be electrically independent from the holder member (11, column 4, lines 35-40). If the insulatory coating was not being used on the arm, the holder will interfere with the electric current which would cause problem in Reilly et al.’s invention.

The applicant argues “Reilly ‘859 does not disclose any subject matter relating to utility poles, utility pole cross-arms or power transmission lines of any kind, nor otherwise present any material helpful in solving the problem addressed by the claimed subject matter of the ‘740 application””. The examiner disagrees with the applicant because Reilly’s invention teaches pole and cross-arm mounted on the pole for supporting electrical wire, therefore, Reilly teaches utility pole with cross-arm.

The applicant states “The Sagawa ‘271 patent does not provide any information in combination with the disclosure of the Reilly ‘859 patent that would relate to a cross-arm for a utility pole in a low to medium voltage electricity distribution and transmission system having a polymeric material coating”. The examiner used the modification of Sagawa’s invention with

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polymeric material that Reilly's the coating lack in the polymeric material to provide resistance to corrosion.

The applicant states "The '602 application does not provide any information either alone or in combination with the disclosure of the Reilly '859 patent that would relate to coating a cross-arm for a utility pole in a low to medium voltage electricity distribution and transmission system with a polymeric material'". The examiner used the modification of White's invention with polymeric material powder that Reilly's the coating lack in the polymeric material to provide reduce to corrosion.

The applicant states "'The '576 patent does not provide any information in combination with the disclosure of the Reilly '859 patent that would relate to coating of a cross-arm for a utility pole in a low to medium voltage electricity distribution and transmission system with a polymeric material coating, such as nylon, a thermoplastic, or an epoxy.'" The examiner used the modification of Blackmore's invention with nylon/thermoplastic/epoxy coating material that Reilly's the coating lack in the nylon, thermoplastic or an epoxy material to provide resistance to corrosion.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alfred Joseph Wujciak III/  
Primary Examiner, Art Unit 3632  
12/19/08

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